

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2173.05
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	September 16, 2004
DATE OF REPORT:	October 15, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 8, 2004

**COMPLAINT ISSUES:**

Whether Northeast School Corporation and Greene-Sullivan Special Education Cooperative violated:

511 IAC 7-25-6 by failing to conduct a timely reevaluation of the student; and

511 IAC 7-18-2 by failing to provide a free appropriate public education, as defined in 511 IAC 7-17-36, including the "at no cost" requirement defined in 511 IAC 7-17-7, specifically by directing the student to enroll in classes for which fees are charged.

**FINDINGS OF FACT:**

1. The Student has been identified as having a learning disability and has been determined eligible for special education and related services.
2. The Student's reevaluation was due in April 2004, according to the School's records.
3. On May 8, 2003, the Student's case conference committee (CCC) discussed reevaluation planning. The Complainant requested a comprehensive reevaluation. On May 8, 2003, the Complainant signed the 2-page Re-evaluation Planning form that noted the request for a comprehensive evaluation. The School did not treat the Complainant's signature as consent for evaluation.
4. On March 10, 2004, the School requested parental consent for the comprehensive reevaluation, and the Complainant signed a Permission for Evaluation form. It is the School's practice to use the same Permission for Evaluation form for reevaluations and initial evaluations. This Permission for Evaluation form specifies that a CCC meeting will be held "no later than 60 instructional days after signed consent for evaluation is provided."
5. As of the date this Complaint was filed (October 4, 2004), the reevaluation of the Student had not yet been completed.
6. The Student's individualized education program (IEP) developed on March 30, 2004, provides for extended school year (ESY) services consisting of an English class to be taken at the local high school, Algebra class (2 credits) to be taken at the Alternative School in a nearby community, and a summer math remediation class at the local high school. The IEP did not mention course fees. Although the Student was given choices of ways to make up credits, the choices proposed by the School (and incorporated into the IEP) included classes at the Alternative School. The School

acknowledges that the CCC contemplated that the Student would participate in an Algebra class at the Alternative School in April and May 2004.

7. The Student participated in a two-week English course at an area high school during the summer, for which there was no tuition charge. The Student started taking a course at the Alternative School in April of the 2003-2004 school year, for which there was a \$125 tuition charge. The Student enrolled at the end of the summer for a second course at the Alternative School, for which there is a tuition charge of \$125. The Complainant paid a total of \$250 for the classes at the Alternative School.

#### **CONCLUSIONS:**

1. Findings of Fact #2, #3, #4, and #5 indicate that the School failed to conduct a reevaluation of the Student within the 36-month timeline. Although Schools must seek informed parental consent for reevaluation, the timeline for reevaluation is not determined by the date of parental consent. Therefore, a violation of 511 IAC 7-25-6 is found.
2. Findings of Fact #6 and #7 indicate that the School failed to provide a free appropriate public education by specifying certain ESY services that were not provided at no cost to the parent. Therefore, a violation of 511 IAC 7-18-2 is found.

**The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.**

#### **CORRECTIVE ACTION:**

Northeast School Corporation and Greene-Sullivan Special Education Cooperative shall

1. Review and revise forms and procedures used in connection with triennial reevaluations, to ensure that reevaluations are completed on time.

Documentation of compliance (consisting of revised forms and procedures) shall be submitted to the Division by November 8, 2004.

2. Reimburse the Complainant \$250 for the course fees.

Documentation of compliance (consisting of a copy of a check or voucher in the amount of \$250 payable to the Complainant) shall be submitted to the Division by November 8, 2004.